

JOSEPH W. ROSE, ESQ.
STATE BAR NO. 232261
1671 Creekside Dr, Ste 102
Folsom, CA 95630
(916) 984-7840

WILLIAM F. WRIGHT, ESQ.
STATE BAR NO. 109470
1731 J Street, Suite 250
Sacramento, CA 95814
(916) 442-8614

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-00000-

ANTHONY M. CARR, and
DANIEL G. RAPOSE,

Plaintiffs,

v.

LAKE VALLEY FIRE PROTECTION
DISTRICT; and DOES 1 through 100, in their
individual capacities,

Defendants,

Case No.: 2:05-CV-00365-DFL-JFM

**STIPULATION TO DISMISS SECOND CLAIM
FOR RELIEF AND TO EXTEND FILING
DEADLINE OF JOINT STATUS REPORT
INCLUDING RULE 26(f) DISCOVERY PLAN**

WHEREAS, all defendants in the within action have been served; and
WHEREAS, joinder of additional parties is not anticipated; and
WHEREAS, no further amendment of pleadings is expected or desired; and
WHEREAS, the parties have conferred regarding defendants' F.R.C.P. 12(b)(6) Motion
for Partial Dismissal of Plaintiff's Complaint now set to be heard on June 22, 2005, at 10:00 a.m.,
in the Courtroom of the Honorable David E. Levi, United States District Court for the Eastern
District of California; and

1 WHEREAS, the parties will stipulate to dismiss Plaintiff's Second Claim for Relief
2 relating to alleged violations of the California Public Employees' Retirement Law (Cal. Gov.
3 Code §§ 2000 *et seq.*); and

4 WHEREAS, the parties have conferred as required by Rule 26(f); and

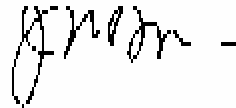
5 WHEREAS, the dismissal of Plaintiff's Second Claim for Relief will necessitate
6 additional time to complete preparation of the joint status report including the Rule 26(f)
7 discovery plan.

8
9 THEREFORE, IT IS HEREBY STIPULATED, by and between the parties hereto, by
10 their respective counsel, that Plaintiff's Second Claim for Relief alleging violations of the
11 California Public Employees' Retirement Law (Cal. Gov. Code §§ 2000 *et seq.*) is dismissed
12 from this action.

13 It is further stipulated, subject to approval of this Court, that paragraph (4) of the Court's
14 Order Requiring Joint Status Report be modified so as to direct filing of the joint status report and
15 Rule 26(f) discovery plan on or before May 11, 2005.

16 Dated: April 28, 2005.

JOSEPH W. ROSE, ESQ.
WILLIAM F. WRIGHT, ESQ.

17
18  -

19
20 _____
Joseph W. Rose
Attorney for Plaintiffs

21 /s/ William F. Wright as authorized on 2/23/05
22 William F. Wright
23 Attorney for Plaintiffs

24 Dated: April 29, 2005

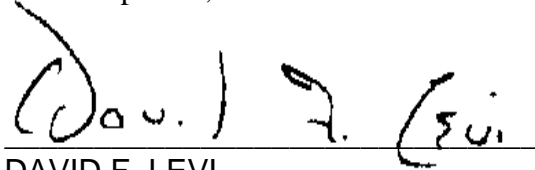
MEYERS, NAVE, RIBACK, SILVER & WILSON

25 

26
27 _____
Arthur A. Hartinger
28 Attorney for Defendants

IT IS SO ORDERED:

Dated: April 29, 2005

A handwritten signature in black ink, appearing to read "David F. Levi", written over a horizontal line.

DAVID F. LEVI
United States District Judge